



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

July 20, 2000

Howard L. Rhodes, Director  
Air Resources Management Division  
Florida Department of Environmental Management  
Mail Station 5500  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

SUBJ: EPA's Review of Proposed Title V Permit No. 1030117-002-AV  
Pinellas County Resource Recovery Facility, Clearwater, Florida

Dear Mr. Rhodes:

The purpose of this letter is to notify the Florida Department of Environmental Protection (FDEP) that the U.S. Environmental Protection Agency (EPA) formally objects to the issuance of the above referenced proposed title V operating permit for the Pinellas County Resource Recovery Facility in Clearwater, Florida, which was received by EPA, via e-mail notification and FDEP's web site, on June 5, 2000. This letter also provides our general comments on the proposed permit.

Based on EPA's review of the proposed permit and the supporting information received for this facility, EPA objects, under the authority of Section 505(b) of the Clean Air Act ("the Act") and 40 C.F.R. § 70.8(c) (see also Florida Regulation 62-213.450), to the issuance of the proposed title V permit for this facility. The basis for EPA's objection is that the permit does not contain conditions that assure compliance with all applicable requirements, as required by 40 C.F.R. § 70.6(a), and does not contain the averaging time associated with several of the emission standards, rendering them not enforceable as a practical matter. Pursuant to 40 C.F.R. § 70.8(c), this letter and its enclosure contain a detailed explanation of the objection issues and the changes necessary to make the permit consistent with the requirements of 40 C.F.R. part 70 and assure compliance with applicable requirements of the Clean Air Act. The enclosure also contains general comments applicable to the permit.

Section 70.8(c) requires EPA to object to the issuance of a proposed permit in writing within 45 days of receipt of the proposed permit (and all necessary supporting information) if EPA determines that the permit is not in compliance with the applicable requirements under the Act or the requirements of 40 C.F.R. Part 70. Section 70.8(c)(4) of the title V regulations and Section 505(c) of the Act further provide that if the State fails to revise and resubmit a proposed permit within 90 days to satisfy the objection, the authority to issue or deny the permit passes to EPA, and EPA will act accordingly. Because the objection issues must be fully addressed within

the 90 days, we suggest that the revised permit be submitted in advance in order that any outstanding issues may be resolved prior to the expiration of the 90-day period.

If you have any questions or wish to discuss this further, please contact Mr. Gregg Worley, Chief of the Operating Source Section, at (404) 562-9141. Should your staff need additional information, they may contact Ms. Elizabeth Bartlett, Florida Title V Contact, at (404) 562-9122 or Ms. Lynda Crum, Associate Regional Counsel, at (404) 562-9524.

Sincerely,

*/s/ Beverly Spagg, for*

Winston A. Smith  
Director  
Air, Pesticides & Toxics  
Management Division

Enclosure

cc: Pick Talley, Pinellas County Utilities Administration  
Clair Fancy, P.E., FDEP

cc Address: Pick Talley  
Director of Utilities, Pinellas County  
Pinellas County Utilities Administration  
14 South Fort Harrison Avenue, 5<sup>th</sup> Floor  
Clearwater, FL 33756

## Enclosure

### U.S. EPA Region 4 Objection Proposed Part 70 Operating Permit Pinellas County Resource Recovery Facility Permit no. 1030117-002-AV

#### I. EPA Objection Issues

1. Appropriate Averaging Times: The emission limits in conditions A.7, A.11, A.12, A.14, B.22, B.24, B.25, B.29, B.31, B.32, B.36, B.37, B.38, C.1, C.4, and C.5 do not contain averaging times. Because the stringency of emission limits is a function of both magnitude and averaging time, appropriate averaging times must be added to the permit in order for the limits to be practicably enforceable. An approach that may be used to address this deficiency is to include a general condition in the permit stating that the averaging times for all specified emission standards are tied to or based on the run time of the test method(s) used for determining compliance.
2. Applicable Requirements - Used Oil: Conditions A.9 and B.13 specify the methods of operation and the fuels that are allowed for combustion in the three MSW-fired steam generating units. In particular, paragraph (6)(g) states that used oil and used oil filters will be permitted for combustion, and used oil containing a PCB concentration equal or greater than 50 ppm shall not be burned, pursuant to the limitations of 40 CFR 761.20(e). However, these conditions are insufficient to ensure compliance with the used oil requirements of 40 C.F.R. part 279 and PCB requirements of 40 C.F.R. part 761. At a minimum, if the source intends to burn “on-specification used oil,” the permit must include requirements to demonstrate compliance with used oil specification requirements listed under § 279.11, and with the used oil PCB requirements of 761.20(e), which apply to used oil containing any quantifiable PCBs, i.e., PCB concentrations greater than 2 parts per million. Additional requirements from these sections would apply if the source burned off-specification used oil or used oil with quantifiable levels of PCBs. Please revise the permit as appropriate to meet these requirements.
3. Federal Enforceability: Conditions A.40 and B.67 state the following:

*“Compliance with standards in 40 C.F.R. 60, other than opacity standards, shall be determined **only** by performance tests established by 40 C.F.R. 60.8, unless specified in the applicable standard.”*

The language for this condition was taken from 40 C.F.R. 60.11(a), however, the words “in accordance with” were replaced with “only by”. Since adding the word “only” precludes the use of credible evidence for determining compliance, this

condition is not federally enforceable. Therefore, this condition must be changed so that it is consistent with 40 C.F.R. 60.11(a).

4. Practical Enforceability - Charging Rates: Condition C.1 contains operational limits for the charging rates to the lime storage silos, the activated carbon storage silo, the ash conditioning building and the metal recovery system. However, the permit does not contain adequate record keeping to demonstrate compliance with these operational limits. In order for an operational limit to be enforceable as a practical matter there must be a method of establishing compliance with that limit. Therefore, the permit should include requirements that the source keep daily records of the respective mass charging rates for each of these emission units.

## II General Comments

1. Please note that our opportunity for review and comment on this permit does not prevent EPA from taking enforcement action for issues that have not been raised in these comments. After final issuance, this permit shall be reopened if EPA or the permitting authority determines that it must be revised or revoked to assure compliance with applicable requirements.
2. Section I, Subsection A - The first paragraph provides a narrative summary of the facility which references a cooling tower. However, this cooling tower is not listed elsewhere in the permit as a regulated unit, unregulated unit, or as an insignificant unit. *40 C.F.R. 63 Subpart O - National Emission Standards for Hazardous Air Pollutants for Industrial Cooling Towers* may apply to this unit if the industrial cooling tower is operated with chromium based water treatment chemicals on or after September 8, 1994. Please provide additional information to confirm that this unit is not subject to above-referenced MACT standards.
3. Section II, Condition 11 - 40 C.F.R. Part 70.6 (c)(5)(iii) lists the necessary components of a Title V compliance certification, and requires that those components be included in Title V permits. However, Facility-Wide Condition # 11 of this permit does not specify that the source submit compliance certifications to EPA that contain those required components. This portion of the permit should specifically state that the source is required to submit compliance certifications consisting of the required components. Further, those required components should be listed in the permit.

One option for resolving this concern would be to add the following condition to Section II:

The “Statement of Compliance” required to be submitted to this office and U.S. EPA Region 4 shall be submitted at the same time as the Annual Operating Report.

[Rules 62-213.420(4), 62-213.440(3), and 62-4.070(3), F.A.C.]

{**Note to Permittee:** See Appendix TV-3 Items 23 and 51 }

4. Section III, Subsection A - During review of this section, it was noted that annual testing for particulate matter, sulfur dioxide, and visible emissions did not appear to be sufficient to provide a reasonable assurance of continuous compliance with the associated limits. However, EPA Region 4 will not require correction of this issue because this section will become obsolete upon completion of retrofit construction for Unit 1, which is currently under way.
5. Section III, Subsection B - Given the complexity of the regulatory requirements for municipal waste combustors, it is understandable that the permit is also very complex. To improve flow and readability of this subsection, Region 4 recommends that condition B.13, Methods of Operation - Fuels, be moved to follow condition B.10, so that the combustor unit load information can be together, and that the “Operator Training and Certification” section be moved to the back of the section, before the “Miscellaneous Requirements” section.
6. Section III, Condition A.65 - The first sentence should be changed to read “36 months after EPA approves the State of Florida’s Section 111(d) plan **or by December 19, 2000, whichever is earlier.**”
7. Section III, Condition B.17 - The first sentence should be changed to read “paragraphs **(1) through (11).**” Paragraphs (3) to (12) should be renumbered as **(2) to (11).**
8. Section III, Condition B.86 - The first sentence should be changed to read “paragraphs **(1) through (14).**” Paragraphs (12) to (15) should be renumbered as **(11) to (14).**
9. Section III, Condition D.5 - The first sentence should delete the “**(2)**” at the beginning, since no number (1) is included in this condition.
10. Section III, Condition D.8 - Paragraph (i) should include the equation for “ $M_{NMOC}$ ” from §60.754(a)(1)(i) which was omitted from this condition.
11. Periodic Monitoring: As you are aware, on April 14, 2000, the U.S. Court of Appeals for the D.C. Circuit issued an opinion addressing industry’s challenge to the validity of portions of EPA’s periodic monitoring guidance. See, *Appalachian Power Co. V. EPA*, No. 98-1512 (D.C. Cir., April 14, 2000). The Court found

that “State permitting authorities may not, on the basis of EPA’s guidance or 40 C.F.R. 70.6(a)(3)(i)(B), require in permits that the regulated source conduct more frequent monitoring of its emission than that provided in the applicable State or federal standard, unless that standard requires no periodic testing, specifies no frequency, or requires only a one-time test.” While the permit contains testing from “time to time,” as discussed in the court opinion, EPA does not consider these conditions sufficient to ensure compliance. In light of the court case, EPA is withholding formal objection on the following item:

- a. Particulate Matter Emissions - The permit does not appear to not require sufficient periodic monitoring to ensure compliance with the particulate matter emission limits in condition C.4 for the lime storage silos (EU-004 and EU-007), the metal recovery system (MRS, EU-005), the activated carbon storage silo (EU-006), or the ash conditioning building (ACB, EU-008). Particulate monitoring was replaced with visible emissions monitoring for the lime storage silos and the activated storage silos, therefore, periodic monitoring for these units is discussed under item b. below.

Although the permit requires particulate matter testing upon renewal for the MRS and ACB, this infrequent testing is not sufficient to provide a reasonable assurance of compliance with emission limits. All Title V permits must contain monitoring that is sufficient to assure compliance with the applicable permit requirements. In particular, 40 C.F.R. Part 70.6 (a)(3)(B) requires that permits include periodic monitoring that is sufficient to yield reliable data from the relevant time period that are representative of the source’s compliance with the applicable emission limits. In addition to demonstrating compliance, a system of periodic monitoring will also provide the source with an indication of their emission unit’s performance, so that periods of excess emissions and violations of the emission limits can be minimized or avoided. Therefore, the permit should include a periodic monitoring scheme that will provide data which is representative of the source’s actual performance.

Since the MRS primarily handles ash in a wet state, the most reasonable approach may be to provide a more detailed technical demonstration in the statement of basis explaining why the State has chosen not to require any additional particulate matter testing for this unit. The demonstration needs to identify the rationale for basing the compliance certification on data from a short-term test performed once a year.

For the ACB, which is controlled by a wet venturi scrubber, the best approach to address the periodic monitoring requirements may be to utilize parametric monitoring of the control equipment. In order to do this, a correlation needs to be developed between the control equipment parameter(s) to be monitored and

the particulate emission levels. The source needs to provide an adequate demonstration (historical data, performance test, etc.) to support the approach used. In addition, an acceptable performance range for each parameter that is to be monitored should be established. The range, or the procedure used to establish the parametric ranges that are representative of proper operation of the control equipment, and the frequency for re-evaluating the range needs to be specified in the permit. Also, the permit must include a condition requiring a performance test to be conducted if an emission unit operates outside of the acceptable range for a specified percentage of the normal operating time. The Department must set the appropriate percentage of the operating time that would serve as trigger for this testing requirement. If additional monitoring is not required, a technical demonstration must be included in the statement of basis explaining why the State has chosen not to require any additional particulate matter testing for this unit. The demonstration needs to identify the rationale for basing the compliance certification on data from a short-term test performed once a year.

- b. Visible Emissions - The permit does not require sufficient monitoring of visible emissions from the lime storage silos (EU-004 and EU-007) or the activated carbon storage silo (EU-006). Condition C.13 allows the facility to comply with a 5 percent visible emissions limit in lieu of particulate matter testing for these units. However, Condition C.10 only requires the facility to conduct an annual Method 9 visible emissions test for these units. In most cases, this infrequent testing does not constitute adequate periodic monitoring to ensure continuous compliance with the visible emissions standard. The permit should require the source to conduct visible emissions observations on a daily basis (Method 22), and that a Method 9 test be conducted within 24 hours of any abnormal qualitative survey. As an alternative to the approach described above, a technical demonstration can be included in the statement of basis explaining why the State has chosen not to require any additional visible emissions testing for these units. The demonstration needs to identify the rationale for basing the compliance certification on data from a short-term test performed once a year.